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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/076,477	02/19/2002	Hirokazu Mukai	Q68561	1752
7590 12/13/2005 SUGHRUE MION, PLLC 2100 Pennsylvania Avenue, N.W. Washington, DC 20037-3213			EXAMINER THOMAS, ASHISH	
			ART UNIT 2626	PAPER NUMBER

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/076,477	MUKAI, HIROKAZU	
	<b>Examiner</b>	<b>Art Unit</b>	
	Ashish K. Thomas	2626	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,7 and 9-13 is/are rejected.
- 7) ☒ Claim(s) 2,4,6 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 19 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☒ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/11/2005</u>  | 6) <input type="checkbox"/> Other: ____.                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. Claim 1 recites the limitation "recorded number" in Page 17, Line 11. There is insufficient antecedent basis for this limitation in the claim. The term "recorded number" should be replaced with "registered number."
2. Claim 5 recites the limitation "recorded number" in Page 18, Line 8. There is insufficient antecedent basis for this limitation in the claim. The term "recorded number" should be replaced with "registered number."

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3, 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,426,946 by Takagi et al in view of U.S. Patent Number 6,504,919 by Takagi et al.

Regarding claims 1, 3, 5, and 7, patent number 6,426,946 discloses in Column 11, Lines 18-32 a method for shortening the time for a pre-transmission protocol. The disclosure talks about storing a partial step of a pre-communication procedure in correspondence with a registered telephone number. One of the partial steps stored is the line probing sequence. It must be noted that the line probing sequence is stored the

Art Unit: 2626

first time communication is established between the transmitter and the receiver. Once the line probing sequence is stored, it is skipped in all subsequent communications. As a result, this shortens the time required for pre-procedure protocols. This reference further teaches that the stored partial step(in this instance, the line probing sequence) is associated with other stored contents(column 11, lines 24-29 emphasizes this statement). This association enables the apparatus to skip the partial step(line probing sequence) in the 2<sup>nd</sup> or latter communications. Patent number 6,426,946 does store a partial step of pre-communication procedure in correspondence with a registered number. However, this registered number does not correspond to an abbreviated dialing or one-touch dialing. U.S. Patent Number 6,504,919, on the other hand, illustrates in Column 9, Lines 54-60 a short communication procedure that stores related data in association with a telephone number using one-touch key or other abbreviated methods. Therefore, it would have been obvious for one skilled in the art at the time of the present invention to modify patent number 6,426,946 with patent number 6,504,919 to come up with a method that stores a partial step of pre-communication procedure in correspondence with a registered number; this registered telephone number corresponds to an abbreviated dialing or one-touch dialing.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 9-13 are rejected under 35 U.S.C. 102(a) as being anticipated by U.S. Patent Number 6,504,919 by Takagi et al.

Regarding claim 9, patent number 6,504,919 teaches a facsimile communication method that executes a short communication procedure. This facsimile machine comprises of:

- A modem for modulating and demodulating in communications(Column 4, Lines 41-44);
- An analog circuit for adjusting a modulated/demodulated signal to a signal level suitable for transmission/reception(Column 4, Lines 44-47);
- A tone signal detection circuit for detecting a tone signal which cuts a procedure(Column 5, Lines 11-12);
- A trigger signal creation circuit for creating a tone signal which cuts a procedure. (Column 5, Lines 9-11. This reference does not explicitly mention a “trigger signal creation circuit” stated in the current application. Nonetheless, the “tonal transmission functional section” mentioned in the reference is equivalent to the “trigger signal creation circuit” stated in the application. They both create a tone signal.)
- A symbol rate decision circuit for deciding a symbol rate suitable for communications in transmission and deciding a symbol rate to be communicated based on a signal type detected by said tone signal detection circuit in reception(Column 4, Lines 63-64 describes the capability to select an optimum symbol rate.);

- A data rate decision circuit for deciding whether or not at what data rate communications is conducted. (Column 9, Line 3-10. This reference indicates that that the transfer rate is determined. Please note that the “transfer rate” mentioned in the reference is equivalent to “data rate” described in the current application.)
- A communication controller for comprehensively controlling communications(Column 5, Lines 4-8);
- A memory for storing abbreviated dial information and required information in correspondence with said abbreviated dial information. (Column 4, Lines 55-59 states that a telephone number is stored in the memory. Furthermore, Column 9, Lines 54-60 indicates that a telephone number using a one-touch key or other abbreviated dialing function is stored.)
- A network controller acting as an interface to a line(Column 4, Lines 47-49).

Regarding claim 10, the facsimile machine comprises a memory for storing one-touch dial number information and required information in correspondence with said one-touch dial number information. (Column 4, Lines 55-59 illustrates that a telephone number is stored in the memory. Furthermore, Column 9, Lines 54-60 teaches that a telephone number using a one-touch key is stored.)

Regarding claims 11 and 12, patent number 6,504,919 teaches a symbol rate decision circuit in Column 4, Lines 63-64 and a data rate decision circuit in Column 9, Lines 3-10. Though it is not stated explicitly, these two references inherently teach that

the symbol rate and data rate are stored in the memory of the fax. The data derived from the data rate decision circuit and the symbol rate decision circuit must be stored in memory in order to fluidly communicate between the transmitter and the receiver.

Regarding claim 13, Column 8, Lines 52-55 of patent number 6,504,919 states that the modem memory registers modem parameters in association with a destination telephone number. This reference inherently teaches that the device state of the opposite party is one such parameter stored in the modem memory. It would be difficult to communicate without knowing the device state of the called party.

#### ***Allowable Subject Matter***

5. Claims 2, 4, 6, and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 2 and 6, the examiner's search failed to produce a prior art that contains a method in which the partial step comprises of a V.8 sequence in an initial identification phase.

Regarding claims 4 and 8, the examiner's search failed to yield a reference in which the partial step comprises an equalizer training sequence.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashish K. Thomas whose telephone number is 571-272-0631. The examiner can normally be reached on Monday through Friday, 7am to 3:30pm EST.

Art Unit: 2626

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on 571-272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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